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13
                    UNITED STATES DISTRICT COURT
14
                   NORTHERN DISTRICT OF CALIFORNIA
15
                          SAN JOSE DIVISION
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18 **WASHINGTON C. MONTANO,**   Case No.: 5:04-cv-00543 JF (PR)

                         Plaintiff,   **STIPULATION AND [PROPOSED]**
19   **ORDER REGARDING SETTLEMENT**
                                      CONFERENCE AND EXPERT
20   v.   **DISCOVERY DEADLINE**

21 **CESAR L. SINNACO,**   Courtroom: 3, 5th Floor
                                      Judge: Hon. Jeremy Fogel
22   Defendant.
                                      Trial Date: July 5, 2011
23   Action Filed: Feb. 9, 2004

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1   Plaintiff Washington C. Montano and Defendant Cesar L. Sinnaco (collectively, "parties"),

2 through their counsel of record, hereby stipulate as follows:

3   WHEREAS, on December 21, 2010, the parties filed an Amended Stipulation and

4 [Proposed] Order Regarding Case Schedule, which sought to amend the scheduling order

5 approved by the Court on December 9, 2010 to accommodate Plaintiff's request for an extension

6 due to his expert's discovery of a conflict;

7   WHEREAS, on January 13, 2011 the Court approved the Stipulation and [Proposed] Order

8 Regarding Case Schedule;

9   WHEREAS, the parties have since exchanged expert disclosures and agreed to the

10 scheduling of depositions of their expert witnesses;

11   WHEREAS, the parties have discussed the possibility of settlement, and have agreed to

12 request that this Court order the parties to a settlement conference with Magistrate Judge Vadas;

13   WHEREAS, the parties have contacted Magistrate Judge Vadas, who has tentatively

14 scheduled a settlement conference on May 31, 2011 for this matter pending an order of this Court;

15   WHEREAS, the parties have discussed the potential benefits to the parties and the expert

16 witnesses of postponing expert witness depositions until after the parties attempt to resolve their

17 dispute at a settlement conference; and

18   WHEREAS the parties met and conferred, and hereby seek the Court to order their

19 attendance at a settlement conference and to amend the Court's scheduling order to continue the

20 deadline for expert discovery until June 15, 2011 to allow the parties time to depose expert

21 witnesses, if necessary, after the settlement conference but before trial;

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1   THE PARTIES HEREBY STIPULATE to the following for Court approval:

2   1) The deadline to conclude expert discovery will be continued from May 9, 2011 to June

3 15, 2011, without modification of the pending trial dates for this action.

4   2) The parties will appear before Magistrate Judge Vadas at the Correctional Training

5 Facility in Solano on May 31, 2011 for a settlement conference at a time to be set by Magistrate

6 Judge Vadas.

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8 Dated: April 28, 2011   KAMALA D. HARRIS
                                                    Attorney General of California
                                                    TYLER PON
9   Supervising Deputy Attorney General

10   By:_____/s/ Kay K. Yu_____

11   Kay K. Yu
                                                        Deputy Attorney General
12   Attorneys for Defendant Cesar Sinnaco

13   I, Christopher M. O'Connor, declare, under penalty of perjury under the laws of the United

14 States of America, that Deputy Attorney General Kay K. Yu has concurred in the filing of this

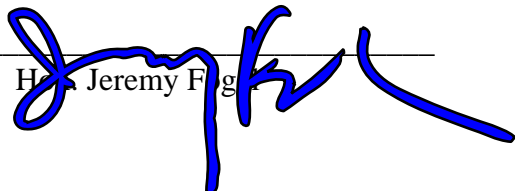15 document.

16 Dated: April 28, 2011   BINGHAM McCUTCHEN LLP

17   By:_____/s/ Christopher M. O'Connor_____

18   Christopher M. O'Connor
                                                        Attorneys for Plaintiff Washington C. Montano

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20   PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 Dated: ___5/4/2011_____

22   _____

23   Hon. Jeremy Fogel

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